

# YOUTH SERVICES POLICY

<b>Title:</b> Prohibited Solicitation on Secure Care Facility Grounds <b>Next Annual Review Date:</b> 10/28/2012	<b>Type:</b> A. Administrative <b>Sub Type:</b> 3. Fiscal <b>Number:</b> A.3.15
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<b>References:</b> Louisiana Procurement Code R.S. 39:1551-1736; YS Policies A.2.18 "Criminal Background Checks" and A.2.38 "Ethics for Public Employees: Nepotism, Prohibited Contractual Relations, Gifts, Ethics Opinions"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> Mary L. Livers, Deputy Secretary	<b>Date of Approval:</b> 10/28/2011

## I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To define the provisions for soliciting vending merchandise of all kinds, or sales, as prohibited or allowed on the grounds of a Youth Services (YS) Secure Care Facility. This policy is adopted to maintain effective, productive and normal operations; to avoid any disruption of services to youth; maintain security, and protect youth, visitors and employees from unauthorized "solicitation" and/or distribution, and similar activities relative to vending merchandise.

## III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, Deputy Assistant Secretaries, and Facility Directors. Facility Directors are responsible and accountable for the enforcement of this policy, including the procedures set forth herein.

## IV. DEFINITIONS:

***Distribution*** - the physical handing or passing out and/or posting or electronic transmission of any material or items of any type that would aid or help in soliciting an individual.

***Employee*** - for the purpose of this policy, any individual employed full time in a classified or unclassified position.

***Facility Grounds/Grounds*** - the tract of land appropriated to OJJ for secure care facility operations.

***Non-employee*** - any individual who does not meet the definition of "Employee" above.

***Solicitation*** - the act of approaching, urging, cajoling, inviting, encouraging, requesting or persuading individuals to accept or purchase goods of sale, support and initiative or cause, join an organization or make contributions of time, money, merchandise or property.

***Private-Party Vendors (PPVs)*** - any employee or non-employee person, company, business or firm conducting business as a sole-proprietorship, corporation or partnership (other than a duly authorized contract vendor or service provider) which sells or trades products, merchandise, wares and/or services.

**V. POLICY:**

It is the Deputy Secretary's policy to prohibit employees and non-employee persons from vending merchandise during site visits through displaying or posting or distributing fliers, and/or through the solicitation of any kind while on the grounds of a YS secure care facility, unless specifically permitted as part of a YS sanctioned event or other approved purpose.

Furthermore, the sales of approved products, merchandise or services shall not be permitted when in direct competition with an existing facility or agency provider, such as the facility's canteen, which either provides or has the jurisdiction to provide the same or similar goods and services. This shall also apply when the requested activity is in competition with services provided by a business holding a contract with YS to provide goods and services such as food or vending.

**VI. PROCEDURES:**

1. "No Soliciting" signs shall be posted at the front gate and within all public spaces within each secure care facility.
2. All Private-Party Vendors (PPVs) must contact the Facility Director/designee at least 10 days prior to the requested site-visit date so that the site-visit can be scheduled.
3. The vendor shall be notified once the requested site-visit has been scheduled and confirmed.
4. A list of vendors approved with specific site visit dates shall be forwarded to the front gate for security clearance purposes.
5. On the scheduled date and time, the PPVs shall report to the front gate of the facility to check in and receive security clearance.
6. The vendor shall be responsible for providing proof of business, personal identification, and/or other credentials certifying vendor status in order to gain security clearance. This documentation and proof must be presented at the time of the site-visit, unless specifically requested prior to the site-visit by the Facility Director/designee.

7. Front gate staff shall verify the vendor's identification and contact the Facility Director/designee.
8. The Facility Director/designee shall receive all PPVs once they have gained security clearance at the front gate.
9. The vendor shall be advised that ten to twenty percent of all sales shall be donated towards the Youth Welfare Fund, depending upon the youth population, which shall be stipulated in the bid process.
10. After the site-visit, if the vendor is interested in contracting with YS to become a vending service provider in the secure care facility, a proposal must be submitted through the Louisiana Office of State Purchasing (OSP), once an invitation to bid has been extended.
11. The vendor shall communicate all questions regarding the facility's vending needs to the Facility Director/designee.
12. During the open invitation to bid period, the Facility Director/designee shall answer vendor questions and/or direct vendor inquiries to the OSP.
13. If the bid is less than \$25,000.00 the Facility Director/designee shall work with the Department of Public Safety & Corrections (DPS) Purchasing Staff to ensure that the bid is properly announced and handled at the agency level.
14. If the bid is more than \$25,000.00 the Facility Director/designee shall work with DPS, who shall coordinate the bid request through OSP.
15. The OJJ Facility Director/designee shall ensure that the vendor has the proper credentials to provide goods and services in the State of Louisiana per the Procurement Code, Louisiana Revised Statutes 39:1551-1736.
16. Prior to an award, the vendor must submit to a background check for the employee(s) who will deliver to the facility, and gain security clearance prior to servicing the facility, in accordance with YS Policy A.2.18. The vendor must also keep the Facility Director/designee updated as the servicing employee(s) change(s).
17. Following verification of credentials, results of criminal background checks, and award, the Facility Director/designee shall coordinate with the facility's Staff Development Training Specialist to ensure the vendor/delivery staff obtains training on all applicable rules and regulations pertaining to visiting and servicing on the grounds of a secure care facility.
18. If the vendor/delivery staff refuses to participate in the training, he/she shall be escorted off the grounds of the facility by security staff.

19. Upon the completion of the required training, the YS Facility Director/designee shall coordinate with the Facility Maintenance Manager to ensure that the vendor receives a tour of the facility areas where vending goods and services will be required.
20. The Facility Director/designee shall keep a file for documentation purposes of vendors visiting the facility prior to and after awards are issued.
21. Giving away items/gifts of monetary value to state employees is strictly against the Louisiana Code of Governmental Ethics and is prohibited in accordance with YS Policy A.2.38. The only allowable giveaways are promotional items with no substantial resale value and food and drink that the employees consume while the vendor or vendor representative is present.

**Previous Regulation/Policy Number:** N/A

**Previous Effective Date:** N/A

**Attachments/References:**